

SENATE BILL 145

C2

2lr0032

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Real Estate Commission – Continuing Education – Documentation**

3 FOR the purpose of authorizing entities conducting certain continuing education
4 courses for real estate licensees, instead of providing a certain certificate of
5 completion to the licensee, to submit course completion information to the State
6 Real Estate Commission by electronic means; authorizing the Commission, on
7 or after a certain date, to require entities conducting certain continuing
8 education courses to submit course completion information to the Commission
9 by electronic means; and generally relating to continuing education
10 requirements for real estate licensees and the State Real Estate Commission.

11 BY repealing and reenacting, with amendments,
12 Article – Business Occupations and Professions
13 Section 17–315
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Business Occupations and Professions**

19 17–315.

20 (a) (1) To qualify for renewal of a license under this subtitle, a licensee
21 shall complete at least 15 clock hours of continuing education instruction, as provided
22 in subsection (b) of this section, during the preceding 2–year term.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Notwithstanding paragraph (1) of this subsection, a licensee shall
2 complete at least 7.5 clock hours of continuing education instruction as provided for in
3 subsection (b) of this section if the licensee:

4 (i) 1. possesses a graduate degree in law from an accredited
5 law school; or

6 2. possesses a graduate degree in real estate from an
7 accredited college or university; and

8 (ii) is not a broker, an associate broker, or a salesperson
9 designated as a branch office manager or team leader.

10 (3) For a licensee who provides real estate brokerage services solely in
11 connection with nonresidential real estate, of the clock hours required under
12 paragraph (1) of this subsection, 1.5 clock hours may be satisfied by a course regarding
13 fair housing laws and regulations or the federal Americans with Disabilities Act.

14 (4) A licensee who is required to complete continuing education
15 instruction under paragraph (2) of this subsection shall complete the requirements of
16 subsection (b)(2)(ii) and (v) of this section in alternate licensing periods.

17 (5) A licensee holding a license from another state must complete at
18 least the number of clock hours of continuing education instruction required under
19 paragraph (1) of this subsection during each 2-year license term and may substitute
20 clock hours of continuing education instruction earned in another state, if those clock
21 hours:

22 (i) are approved as real estate continuing education in that
23 state; and

24 (ii) meet the distribution requirements of subsection (b)(2) of
25 this section.

26 (6) The Commission shall grant the substitution of clock hours in
27 paragraph (5) of this subsection only if the other state permits the substitution of clock
28 hours of continuing education instruction approved by the Commission for a licensee of
29 this State.

30 (b) (1) The Commission shall approve the form, substance, and, as
31 provided under paragraph (2) of this subsection, subject matter of all continuing
32 education courses.

33 (2) The subject matter approved by the Commission shall:

34 (i) relate to real estate or to a subject matter intended to assist
35 a licensee in providing real estate brokerage services to the public in a more efficient

1 and effective manner, provided that the subject matter is related to helping the public
2 buy or sell real estate;

3 (ii) every 2 years, include at least one 3 clock hour course that
4 outlines relevant changes that have occurred in federal, State, or local laws and
5 regulations, or any combination of those laws and regulations;

6 (iii) every 2 years, include at least one 1.5 clock hour course that
7 outlines federal, State, and local fair housing laws and regulations, including fair
8 housing advertising;

9 (iv) every 2 years, include at least one 3 clock hour ethics course
10 that includes the Maryland Code of Ethics and a discussion of the practices of flipping
11 and predatory lending;

12 (v) every 4 years, include at least one 3 clock hour course that
13 includes the principles of agency and agency disclosure; and

14 (vi) every 4 years for the renewal of a real estate broker license
15 and the renewal of the license of an individual designated as a branch office manager
16 or a team leader, include at least one 3 clock hour course that includes the
17 requirements of broker supervision.

18 (3) The requirement of paragraph (2)(iii) of this subsection does not
19 apply to a licensee who provides real estate brokerage services solely in connection
20 with nonresidential real estate.

21 (4) To be acceptable for credit as a continuing education course under
22 this section, the course shall cover 1 or more topics approved by the Commission.

23 (c) (1) Continuing education courses may be conducted by:

24 (i) the Maryland Association of Realtors or its member boards;

25 (ii) the Real Estate Brokers of Baltimore, Inc.;

26 (iii) any similar professional association; or

27 (iv) an educational institution approved by the Commission.

28 (2) Continuing education courses shall be taught by a qualified
29 instructor who is experienced in the real estate industry.

30 (3) On or before January 1, 2003, the Commission shall adopt
31 regulations that provide for the conduct of continuing education instruction courses by:

32 (i) remote access satellite;

- 1 (ii) closed-circuit video;
- 2 (iii) computer, including transmission over the Internet and the
3 World Wide Web;
- 4 (iv) home study; and
- 5 (v) any other delivery system approved by the Commission.

6 (d) If feasible, continuing education courses shall be offered at reasonable
7 intervals in each county and in each major geographic area of the larger counties.

8 (e) (1) **[On] SUBJECT TO SUBSECTION (F) OF THIS SECTION, ON**
9 completion of a continuing education course by a licensee, the entity that conducted
10 the course or the instructor shall issue to the licensee a certificate of completion that
11 states the number of clock hours of that course.

12 (2) The Commission shall accept as evidence of completion of a
13 continuing education course the certificate of completion, a photocopy of the certificate,
14 an electronic mail certificate, or a photocopy of an electronic mail certificate.

15 **(F) (1) INSTEAD OF PROVIDING A CERTIFICATE OF COMPLETION TO**
16 **THE LICENSEE UNDER SUBSECTION (E) OF THIS SECTION, THE ENTITY THAT**
17 **CONDUCTED THE COURSE MAY SUBMIT THE COURSE COMPLETION**
18 **INFORMATION DIRECTLY TO THE COMMISSION BY ELECTRONIC MEANS.**

19 **(2) ON OR AFTER JANUARY 1, 2013, THE COMMISSION MAY**
20 **REQUIRE ALL ENTITIES CONDUCTING CONTINUING EDUCATION COURSES TO**
21 **SUBMIT COURSE COMPLETION INFORMATION ONLY BY ELECTRONIC MEANS.**

22 **[(f)] (G)** The Commission may waive the requirements of this section for a
23 licensee if the licensee shows good cause for being unable to meet the requirements.

24 **[(g)] (H)** The Commission shall require each course provider to pay a
25 continuing education course application fee of \$25.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2012.